

Committee Substitute for Senate Bill No. 2664

An act relating to Palm Beach and Hendry Counties; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, relating to the Ritta Drainage District, a special tax district of the State of Florida composed of the Counties of Palm Beach and Hendry; providing legislative intent, and codifying and reenacting chapter 22882, Laws of Florida, 1945, chapter 61-1641, Laws of Florida, chapter 76-461, Laws of Florida, and chapter 84-500, Laws of Florida; providing for minimum charter requirements; providing for ratification of prior actions; providing for repeal of all prior special acts related to the Ritta Drainage District; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Pursuant to chapters 97-255 and 98-320, Laws of Florida, this act constitutes the codification of all special acts relating to the Ritta Drainage District, an independent special district of the State of Florida. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the District, including all current legislative authority granted to the District by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all District authority, including the authority to annually assess and levy against the taxable property in the District.

Section 2. Chapter 22882, Laws of Florida, 1945, and chapters 61-1641, 76-461, and 84-500, Laws of Florida, relating to the Ritta Drainage District of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Ritta Drainage District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. In accordance with section 189.404(3), Florida Statutes, the following shall constitute the minimum charter requirements of Ritta Drainage District:

(1) The District is organized and exists for all purposes set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time, so far as not inconsistent with this act.

(2) The powers, functions, and duties of the District regarding non-ad valorem assessments, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements shall be as set forth in chapters 189, 197, and 298, Florida Statutes, this act, or any other applicable general or special law, as they may be amended from time to time.

(3) The District was created by chapter 22882, Laws of Florida, 1945, a special legislative act.

(4) The District's charter may be amended only by special act of the Legislature.

(5) In accordance with chapter 298, Florida Statutes, the District is governed by a Board of Supervisors. The membership and organization of the Board shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(6) The compensation of Board members shall be governed by this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(7) The administrative duties of the Board shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(8) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

(9) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the District shall be as set forth in chapters 189 and 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(10) The procedures for conducting District elections and for qualification of electors shall be pursuant to chapters 189 and 298, Florida Statutes, and applicable general laws as they may be amended from time to time.

(11) The District may be financed by any method established in this act, chapters 189 and 298, Florida Statutes, or any applicable general laws, as they may be amended from time to time.

(12) In accordance with chapter 298, Florida Statutes, the District may continue to levy upon all of the real taxable property in the District a special tax each year as maintenance tax.

(13) The method for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 197 and 298, Florida Statutes, as they may be amended from time to time.

(14) The District's planning requirements shall be as set forth in chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(15) The geographic boundary limitations are as set forth in section 2, following.

Section 2. For the purpose of draining, reclaiming, and conserving the lands hereinafter described, and protecting the same from the effects of

water, or lack of water, for controlling the water in the District and the water tables with respect to the lands therein, for agricultural and sanitary purposes, and for the public health, convenience, welfare, utility, and benefit, a drainage and water control district is hereby established to be known as "RITTA DRAINAGE DISTRICT," the territorial boundaries of which shall be as follows:

Beginning at the quarter-section corner on the West line of Section 2, Township 44 South, Range 34 East, which point is common to the boundary of the South Florida Conservancy District;

Thence southerly along the West line of Section 2 to the Southwest corner of said Section 2; thence southerly along the West lines of Sections 11 and 14 to the Southwest corner of Section 14, Township 44 South, Range 34 East;

Thence easterly along the south lines of Sections 14 and 13, Township 44 South, Range 34 East, and along the South lines of Section 18, Township 44 South, Range 35 East, to the southeast corner of said Section 18;

Thence northerly along the East line of Section 18, Township 44 South, Range 35 East, to the Northeast corner of said Section 18;

Thence easterly along the South line of Sections 8, 9 and 10, Township 44 South, Range 35 East, to the South quarter-section corner of said Section 10;

Thence Southeasterly to a point on the East line of Section 15, Township 44 South, Range 35 East, 80 feet South of the Northeast corner of said Section;

Thence easterly along a line 80 feet South of and parallel to the North line of Section 14, Township 44 South, Range 35 East, to the center line of the Everglades Drainage District's Miami Canal and the boundary of the South Florida Conservancy District;

Thence northeasterly along the center line of said Miami Canal and the boundary of the South Florida Conservancy District through Sections 14, 11 and 2, Township 44 South, Range 35 East, to an intersection with the East and West quarter-section line of Section 2;

Thence westerly along the East and West quarter-section or center lines of Sections 2, 3, 4, 5 and 6, Township 44 South, Range 35 East, and the East and West quarter-section lines of Sections 1 and 2, Township 44 South, Range 34 East, which lines are also the boundary of the South Florida Conservancy District, to the point of beginning.

Section 3. (a) The governing Board of said District shall be designated the "Board of Supervisors of Ritta Drainage District," which shall be composed of three persons who shall be resident freeholders of the State of Florida.

(b) A meeting of the landowners of said District shall be held during the month of April each year for the purpose of electing Supervisors of said District and transacting such other business as may properly come before the meeting. Notice of landowners' meetings shall be given by causing publi-

ation thereof to be made for 2 successive weeks in some newspaper published in Palm Beach County or Hendry County, Florida, the first publication to be made at least 15 days prior to the date of such meeting. The meeting shall be held at the office of the District in Clewiston, or at such other place as the office of the District may in the future be located, and the time and place for the holding of such meeting shall be stated in the notice. The landowners, when assembled, shall organize by the election of a Chair and Secretary of said meeting, who shall conduct the election. At such election, each acre of land in the District, except as hereinafter provided, shall represent one share, and each owner shall be entitled to one vote, in person or by proxy, in writing, duly executed, for each acre of land in said District owned by the landowner. A fraction of an acre shall be voted as the same fraction of a vote. Supervisors shall be elected for a period of 3 years and until his or her successor shall be elected or appointed and shall have qualified, such Supervisor to fill the office of the member whose term shall expire on said date.

(c) The owners and proxy holders of District acreage who are present at a duly noticed landowners' meeting shall constitute a quorum for the purpose of holding such election or any election thereafter.

(d) In the event of a vacancy in any office of Supervisor during the term for which such Supervisor is elected or appointed, the remaining Supervisors, or, if such remaining Supervisors fail to act within 30 days after the date of such vacancy, the Governor of the State of Florida, may fill such vacancy by appointment until the next annual meeting of the landowners of the District as herein provided. Any Supervisor appointed by the remaining Supervisors, or the Governor, shall have the same powers and duties as are hereby conferred upon the members of said Board of Supervisors so elected by the landowners.

(e) The Department of Environmental Protection shall designate some person to cast the vote for Supervisors or upon any matter that may properly come before said meetings to the extent of the acreage owned by the State in said District. At any meeting of landowners, guardians may represent their wards; executors and administrators may represent estates of deceased persons; and trustees and other fiduciaries may represent their beneficiaries, and such representation may be by proxy, and private corporations may be represented by their officers or duly authorized agents; however, lands which are delinquent in the payment of Ritta Drainage District taxes for 2 years or more after tax sale shall not be considered as lands entitling anyone to vote in said elections and meetings as owners thereof, and such lands shall not be considered as acreage within the District for the purpose of determining whether a quorum is present.

(f) The Supervisors of the District shall be entitled to receive as compensation for their services the same compensation, subject to the same conditions, as is now authorized to be paid by section 298.14, Florida Statutes, to supervisors of districts created under chapter 298, Florida Statutes, and operating under the provisions of said chapter or as said chapter or section 298.14, Florida Statutes, may hereafter be amended.

Section 4. The annual meeting of landowners of the Ritta Drainage District and any other meeting of landowners which may be convened shall be held at the office of the District in Clewiston, or at such other place as the office of the District may in the future be located.

Section 5. (a) In addition to all of the powers specifically conferred by this Act and such powers as may be incidental to the enumerated powers, the Board of Supervisors of Ritta Drainage District shall have the power to make contracts; to adopt and use a common seal and alter the same at pleasure; to acquire, hold, and control by condemnation, gift, exchange, purchase, or otherwise any real or personal property, surveyors' notes, or engineering data which may be needed to carry out the provisions of this Act or which may be useful in the accomplishment of any of the purposes for which said District is created, and to sell, lease, or otherwise dispose of any such property; to appoint or employ such agents, engineers, attorneys, and employees as the business of the Board may require; to construct, purchase, operate, and maintain pumping plants and stations, including pumping machinery, motive equipment, and all appurtenant or auxiliary machines, devices, or equipment, and to contract for the construction, operation, and maintenance of the said pumping plants and stations, including the purchase and supply of electric and other power and energy for the operation of the same; to grant permits to owners of land within the District for the installation of water control structures upon such terms and conditions as the Board may determine and to supervise and regulate the operation of same; and to borrow money and issue notes and bonds therefor, as hereinafter provided, in order to enable the said Board to carry out and perform any powers conferred by this Act.

(b) The Board of Supervisors is hereby authorized and empowered to establish and construct a system of canals, drains, ditches, levees, dikes, dams, sluices, revetments, locks, reservoirs, holding basins, floodways, pumping stations, and other works and improvements, of such dimensions, depth, and proportion as in the judgment of the Board is advisable to drain, reclaim, and conserve the lands within said District to accomplish any of the purposes for which said District was created, and to maintain and operate such works in such manner as said Board shall deem most advantageous to the improvement and development of the lands in said District and to accomplish the foregoing objectives; to clean out, straighten, open up, widen, change the course and flow of, alter, or deepen any canal, ditch, drain, river, watercourse, pond, creek, or country stream in said District that said Board may deem necessary to facilitate the drainage, reclamation, conservation, and improvement of the lands in said District, including navigation facilities, making the land within said District available for agricultural purposes, habitation, settlement, and general utilities; to concentrate, divert, or divide the flow of water in or out of said District; to construct or enlarge any bridges that may be needed by the District across any drain, ditch, canal, public highway, railroad right-of-way, tract, grade, fill, or cut; to construct such roadways over levees, embankments, and other works as may be needed by the District.

(c) Said Board shall have the power and authority to pump water into or out of the canals, ditches, drains, and other works of the District, or on or

from the lands in said District in such amounts as said Board shall determine; to regulate and control the flow of water into and out of said District; to maintain such water tables with respect to the lands in said District as in the judgment of the Board shall be to the best interests of the District and of the landowners therein; and to do or cause to be done or permit others to do all things which may be necessary, desirable, or convenient in order to accomplish any of the foregoing objectives.

(d) In maintaining and operating the canals, drains, levees, dikes, dams, locks, reservoirs, pumping stations, water control structures, and other works and improvements, the Board of Supervisors of the District and its agents and employees shall have the authority at all reasonable times to enter upon the lands adjacent to any of such drainage works in order to transport and use equipment, machinery, and materials necessary to properly maintain, preserve, and operate such drainage works.

(e) In addition to the powers herein conferred upon the Board of Supervisors of Ritta Drainage District, said Board shall have and may exercise all of the powers conferred upon the Board of Supervisors of a drainage or water control district created under the provisions of chapter 298, Florida Statutes, and Acts amendatory thereof and supplemental thereto, except such as may be in conflict or inconsistent with the provisions of this Act.

(f) Without limiting the generality of the foregoing powers, the Board of Supervisors of said District is specifically authorized to construct or cause to be constructed the following-described water control facilities and public improvements within said District:

(1) Boundary Levees.—The lands of the Ritta Drainage District will be protected against the influence of outside waters by boundary levees, to-wit:

a. On the North by the existing boundary levee of the South Florida Conservancy District.

b. On the East by the construction of a levee along the west right-of-way boundary of the Everglades Drainage District's Miami Canal.

c. On the South by the construction of levees along the south boundary lines; namely, by a levee along the south bank of the main canal in Sections 15, 10, 9 and 8 and thence be a levee along the east and south lines of Section 18 in Township 44 South, Range 35 East; and thence along the south line of Sections 13 and 14 in Township 44 South, Range 34 East.

d. On the West by the construction of levees along the west boundary of Sections 14, 11 and the south half of Section 2, Township 44 South, Range 34 East.

(2) Water Control - Pumping Plant.—Water control for the lands confined by these boundary levees will be largely dependent on pumping. Water control will be based on 1 inch of runoff from the reclamation area in 24 hours. This requires a pumping capacity of approximately 190,000 gallons of water per minute. The pumping plant will consist of three pumping units with all pertinent accessories, resting on concrete foundations placed on safe

rock footing and the equipment protected by a substantial building. The source of water supply and an outlet for the disposal of water will be secured by a channel connection into the Miami Canal.

(3) Water Control - Main Canal.—The water taken in or discharged by the pumping plant will be distributed and collected by means of a main canal and a lateral ditch scheme. The main canal will be located east and west along the south line of Sections 10, 9, 8 and 7, Township 44 South, Range 35 East, and of Sections 12 and 11 in Township 44 South, Range 35 East.

(4) Water Control - Lateral System.—Water for the agricultural use of lands will be delivered or received by a scheme of north and south laterals connecting with the main canal at ½-mile intervals.

a. Each lateral will serve a specific area of land extending one-quarter mile on both sides of this facility, thus providing an adequate source of water supply and an outlet for the detailed water requirements of individual farming tracts.

b. The Board shall have the power and authority to make such changes therein or additions thereto as shall be necessary in order to adequately drain, reclaim, and conserve the lands in said District, protect the same from the effects of water, or lack of water, and control the water in said District, and the water tables with respect to the lands therein.

Section 6. The Board of Supervisors is authorized and empowered to enter into arrangements with other drainage, water control, or water management districts for the pooling of insurance coverage, for the purchase, rental, and use of supplies, equipment, buildings, and facilities, and for services of employees.

Section 7. The Board of Supervisors of Ritta Drainage District is authorized and empowered to borrow money for its corporate public purposes and give security therefor at interest rates not to exceed the then-prevailing interest rate at state and federally chartered lending institutions, provided such rates are authorized by general law. Bonds may be issued, either with or without coupons, bearing interest as provided by general law, payable semiannually, each maturing within 30 years from issuance, both principal and interest payable at some convenient banking house or trust company's office, to be named in said bonds. Bonds shall be signed by the President of the Board of Supervisors and attested with the seal of the District and by the signature of the Secretary of the Board. All bonds shall be authorized by resolution of the Board of Supervisors and shall be executed and delivered to the Treasurer of the District, who shall sell the same in such quantities, on such dates, and on such terms as the Board of Supervisors deems necessary to meet the payments for the restoration work. All bonds shall be sold at public sale and shall be awarded to the bidder offering to purchase such bonds at the lowest net interest rate, which shall be determined by deducting the total amount of premium or adding the total amount of discount bid to the aggregate interest to be paid. Bonds shall not be sold for less than 95 cents on the dollar, with accrued interest, and shall state on their face the purpose for which they are issued and shall be payable out of, and shall

constitute a first lien on, the moneys derived from the maintenance tax provided for this Act.

Section 8. The Board of Supervisors of Ritta Drainage District is authorized and empowered to borrow money for its corporate public purposes and give security therefor at such rates of interest allowed by law.

Section 9. Subject to the limitations herein contained, the said Board is hereby authorized and empowered to exercise the right of eminent domain and may condemn for the use of said District any and all lands, easements, rights-of-way, riparian rights, and other rights of every description, whether owned by private individuals, firms, or corporations or by public or quasi-public corporations, required for the use and purposes of said Board as herein set forth. In the condemnation of property, in pursuance of the power of eminent domain vested in said Board, the provisions of the laws of Florida governing condemnation proceedings instituted by counties, municipalities, or other public bodies are hereby made applicable, and condemnation proceedings may be instituted and prosecuted by the Board under and pursuant to the provisions of chapter 73 or chapter 74, Florida Statutes. The said Drainage District recognizes the right, title, interest, and claim of Palm Beach County in and to a rock road located along the West bank of the Miami Canal, which road runs from State Road No. 25 southward for approximately 3 miles along said Canal. The said Drainage District shall not destroy said road or the rock road material adjacent thereto, nor shall it move any of said road materials; neither shall it move the County Road rock pile without first obtaining written permission from the County Commission by resolution. The said Drainage District agrees not to interfere, in any way, with the ingress and egress of traffic over said road. In the event the District shall, in its operations, find it necessary to interfere in any way with said road, it shall first obtain written permission to do so and shall provide the necessary bridges and detours so that traffic will be unobstructed for the passage of trucks and vehicles. Before applying for any written permission from the County Commission as set forth herein, the District shall first give public notice once each week for 4 consecutive weeks in a newspaper published in Belle Glade, Florida, and in Clewiston, Florida, of such application, giving in said notice full details as to what it proposes to do. Should the Drainage District, its agents or employees, or its contractors or subcontractors obstruct said road, or fail to keep said road open, and cause loss or damage to Palm Beach County or to any person, firm, partnership, or corporation using said road, or who has been using said road, the District shall be liable in damages therefor, and consent is hereby given by said District to any such suit brought for any such purpose or purposes.

Section 10. The drainage and reclamation work to be constructed in said District shall be upon such locations and shall be constructed in such manners and in accordance with such specifications as the Board of Supervisors of the District may from time to time determine.

Section 11. The Board may, in its discretion, let any part or all of the work to be performed within said District by contract, but no contract for an amount in excess of \$50,000 shall be let until notice thereof shall have been published not less than once a week for 2 consecutive weeks before the date

set for the letting of such contract in a newspaper in Palm Beach County or Hendry County. The work so advertised shall be awarded to the lowest responsible bidder, as may be determined by said Board; however, the Board shall have the right to reject any and all bids and to readvertise, as hereinbefore provided. The Board shall have the right to require a bond with a surety to be approved by the Board in such amount as the Board may determine, conditioned that the contractor will well and truly carry out the contract in accordance with the terms thereof. Nothing in this section shall prevent the Board of Supervisors from undertaking and performing work without a contract and by labor operating under the direction of the Board, its engineer, or its employees.

Section 12. For the purpose of paying the cost of administering the affairs of the District generally, and for the purpose of maintaining, operating, preserving, and rendering efficient the ditches, canals, drains, levees, engines, and pumps, and other improvements herein authorized to be constructed, and to repair and restore the same when needed, and for the purpose of defraying current expenses of the District, the Board is authorized, empowered, and directed to levy and impose upon all of the lands, including lands owned or held by the State of Florida or the Board of Trustees of the Internal Improvement Trust Fund of Florida, lying and being situate within the boundaries of said District, as described in this Act, a tax not to exceed the sum of \$30 per acre, per annum, and such tax shall be known and designated as the "Maintenance Tax." It is hereby ascertained, determined, and declared that all of the works or public improvements constructed by or for Ritta Drainage District, pursuant to the provisions of this Act will confer benefits upon the lands within said District in an amount at least equal to the taxes authorized to be levied by the provisions of this Act for subsequent years, and that all lands in said District will be benefited equally by said drainage works and improvements.

Section 13. (a) There are hereby established for Ritta Drainage District the following separate and distinct funds:

(1) Debt Service Fund, into which shall be paid the proceeds of the Debt Service Taxes authorized to be levied upon the lands within said District for subsequent years by the provisions of this Act.

(2) Maintenance Fund, into which shall be paid the proceeds of the Maintenance Taxes authorized to be levied upon the lands within said District for subsequent years by the provisions of this Act.

(b) The Board is hereby authorized and empowered to establish from time to time such other funds for the moneys of the District as it may determine to be necessary, advisable, or expedient.

(c) Each of the funds created by or pursuant to the provisions of this Act shall be held inviolate and the moneys from time to time in each of such funds shall be used only for the purposes for which said funds, respectively, are required to be devoted in accordance with the provisions of this Act.

(d) The Debt Service Fund shall be used for the purposes for which the Debt Service Taxes are authorized by this Act to be levied, and for the

maintenance of any reserve or sinking fund which may be established by resolution of the Board for the purpose of paying the principal of and interest on any bonds which may be issued pursuant to the provisions of this Act.

(e) The Maintenance Fund shall be used for the purposes for which the Maintenance Taxes are authorized by this Act to be levied.

Section 14. (a) The Board of Supervisors of the District shall assemble and organize by choosing one of their number President of the Board and electing some suitable person Secretary of the District who may or may not be a member of the Board of Supervisors. The Board may, in its discretion, require the Secretary to execute a bond in such amount as it may determine for the faithful performance of his or her duties.

(b) Two members of the Board of Supervisors shall constitute a quorum. The Board of Supervisors shall, by resolution, fix the time and place for holding regular meetings, but special meetings may be called at any time or place by the President or any two members of the Board of Supervisors. The meeting place of said Board may be either within or without the District.

(c) The Board of Supervisors shall employ some competent person or some Bank or Trust Company as Treasurer of the District. The same person may act as Secretary and Treasurer of said District if the Board shall deem it to be advisable. The Treasurer shall execute a bond in such sum as shall be fixed by the Board and with a Surety approved by the Board, conditioned that he or she will well and truly perform the duties imposed upon him or her by this Act and that he or she will account for all moneys coming into his or her hands as Treasurer of the District. The Treasurer shall pay out funds of the District only upon checks, drafts, or warrants issued by the District, which checks, drafts, or warrants shall be signed by the Treasurer and countersigned by at least one member of the Board of Supervisors.

(d) The Board shall select and appoint some competent person as Chief Engineer of the District.

Section 15. All taxes or assessments levied pursuant to the provisions of this Act shall constitute a lien upon said lands as of the first day of January of each year in which the assessments are made, which liens shall be superior in dignity to all other liens upon said lands except liens for State and County taxes and shall be equal in dignity to the lien for said State and County taxes.

Section 16. The Trustees of the Internal Improvement Trust Fund of Florida are authorized, empowered, and directed to pay out of any moneys in their hands derived from the sale of lands or otherwise, the taxes or assessments levied pursuant to the provisions of this Act upon all lands owned by the State of Florida or the said Trustees within the boundaries of Ritta Drainage District.

Section 17. All other acts and proceedings of the Circuit Court of said Palm Beach and Hendry Counties taken by, for, and on behalf of said District since the creation thereof, and all of the acts and proceedings of the

Board of Supervisors, the Commissioners, and all other officers and agents of said District, and of said Palm Beach and Hendry Counties, acting for and on behalf of said District, and any and all tax levies and assessments which have been made by the said Board of Supervisors for and on behalf of said District, are each one of them, and each part thereof, hereby ratified, validated, and confirmed.

Section 4. Chapter 22882, Laws of Florida, 1945, and chapters 61-1641, 76-461, and 84-500, Laws of Florida, relating to the Ritta Drainage District of Florida, are hereby repealed to the extent they are inconsistent herewith.

Section 5. In the event any one or more of the sections or provisions of this Act or the application of such sections or provisions to any situation, circumstance, or person is for any reason held to be unconstitutional, such unconstitutionality shall not affect any other section or provision of this Act or the application of such section or provision to any other situation, circumstance, or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor May 25, 2000.

Filed in Office Secretary of State May 25, 2000.